

Serial No. 10/684,645
Art Unit 2821

Amendment A

Remarks:

In response to the Office action mailed March 9, 2005, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1-6, 9-12 and 23-27 in view of the above-noted amendments and the following remarks. Applicant first acknowledges with thanks Examiner Tran's allowance of claims 13-22.

The Examiner has first objected to the drawings in that the "base", the "light-weight shell" and the "structural flange" must be shown or cancelled from the claims.

First, with respect to the "base", this element is shown as reference numeral 10b in paragraph 0029 on page 6. Next, as to the reference to the "shell" in the claims, the light-weight shell is referenced in the summary of the invention and is referred to as a sheath in the claims. Applicant has amended paragraph 0029, as noted above to includes sheath "or shell" which, for purposes of the present invention, applicant submits references the same element. Accordingly, applicant submits that the amendment to include "or shell" does not add new matter and addresses the Examiner's concerns. Applicant respectfully requests that this objection to the drawings be withdrawn.

As to the structural flange, applicant has amended claim 27 to change the reference to "third plate" which is shown in the figures, specifically, figure 4.

Next, the Examiner has objected to claims 6, 17 and 27 for various informalities. Applicant has amended these claims to address the Examiner's concerns and respectfully requests that the objections be withdrawn.

Next, the Examiner has rejected claim 27 under 35 U.S.C. §112, second paragraph for the reference to structural flange, which, as set forth above, has been addressed by this amendment.

Next, the Examiner has rejected claim 8 under Section 112 stating that this is an omnibus claim, and setting forth various other issues with this claim. Applicant has reviewed this claim, but fails to find any issue or any omnibus-type language. If there is a specific issue with this claim, Applicant respectfully requests that the Examiner state an issue to which Applicant can respond. Otherwise, Applicant submits that the rejection is improper and should be withdrawn.

Next, the Examiner has rejected claims 1-7, 9-12 and 23-27 under 35 U.S.C. §102(e) as

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anticipated by Ryan, U.S. Patent No. 6,694,698. The Examiner has characterized Ryan as disclosing an antenna tower reinforcement for use with an antenna tower that includes a plurality of spacer elements attached to the tower, a stiffening element attached to at least two of the plurality of spacer elements such that the stiffening element reinforces the tower along a plane parallel to the surface of the tower.

As to the rejection under 35 USC §102 of claim 27, applicant submits that Ryan does not disclose a shell. Rather, the element indicated by the examiner (at reference numeral 24) is one of the facets of the tower (10). See col. 6, lines 5-20. Thus, Ryan does not disclose, nor does it suggest a shell. Accordingly, Applicant requests that this rejection be withdrawn.

The Examiner has next rejected claim 8 under 35 U.S.C. §103(a) as unpatentable over Ryan. The Examiner states that it would have been obvious to one of skill in the art to have "Z" shaped plates welded together to provide a strong support along the length of the tower.

Applicant has amended claim 1 to more clearly define the invention of that claim. The present invention is directed to an antenna tower reinforcement for use with an antenna tower. The reinforcement includes a plurality of spacer elements attached to the tower and at least one stiffening element attached to at least two of the plurality of spacer elements. The stiffening element reinforces the tower along a plane parallel to the surface of the tower. The combination of the spacer elements and stiffening element forming a "Z" shaped member.

Applicant submits that this structure is not disclosed in the Ryan patent. Rather, what Ryan discloses is a plurality of structural tubes that are strapped to the tower. This is in complete contrast and is a far more complex design than the claimed "Z" shaped member.

Moreover, the claimed member facilitates the use of a shell, and provides a surface at which the shell can be secured to the tower. The Ryan structure, on the other hand is a complex design that does not facilitate (and may even be seen as discouraging) the use of a shell.

Nor is there any suggestion, motivation or teaching in the Ryan patent to use a "Z" shaped member. In fact, the only structural shape disclosed in Ryan is a tube. No other shapes are disclosed or even anticipated. Moreover, Applicant submits that the Ryan strap structure could not be used in any meaningful way with the present "Z" shaped reinforcement structure.

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Accordingly, Applicant submits that the presently claimed invention is allowable over the art of record and respectfully and earnestly solicits early indication of allowance of the present application.

Applicant submits that no fees are due in connection with the present AMENDMENT A. If, however, there are any fees due, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920. Should any petition(s) be necessary, Applicant requests that this paper constitute any such petition(s).

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

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